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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,693	04/07/2004	Doug Kreager	42P13108D2	8535
7590 06/28/2005			EXAMINER	
Michael A. Bernadicou BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025			HE, AMY	
			ART UNIT	PAPER NUMBER
			2858	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]

Office Action Summary	Application No.	Applicant(s)	
	10/820,693	KREAGER ET AL.	
	Examiner	Art Unit	
	Amy He	2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Preliminary amendment dated 7 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☒ Claim(s) 16-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey (U. S. Patent No. 6, 281,690).

Referring to claim 12, Frey discloses a method (in Figure 1) comprising:

connecting in series at least a first coaxial cable (20), an adapter (connectors 22, 17 or 21), and a second coaxial cable (15 or the return path back to the tester 19), to form a calibration configuration (when a calibration of the RF probe is performed with a standard, col. 3, lines 14-15);

sending a first radio frequency signal through the calibration configuration (by using the analyzer 19, when performing the calibration for the RF probe, col. 3, lines 9-15);

measuring a first loss in the first radio frequency signal after the first radio frequency is sent through the calibration configuration (when calibration of the probe is performed, the electrical loss without the probe is normally measured first with a standard, col. 3, lines 9-15);

placing a radio frequency test probe (10) in a test fixture;

connecting in series at least the first coaxial cable(20), the radio frequency test probe(10) in the test fixture, the adapter(connectors 22, 17 or 21), and the second coaxial cable (15 or the return path back to the tester 19)to form a test configuration (as shown in Figure 1) in which the adapter(22) contacts the radio frequency test probe(10);

sending a second radio frequency signal through the test configuration(by using the analyzer 19);

measuring a second loss in the second radio frequency signal after the second radio frequency signal is sent through the test configuration (when calibration of the probe is performed, after the first loss measurement is taken with a standard, a second loss measurement is normally taken with the probe attached, col. 3, lines 9-15); and

subtracting the first loss from the second loss to derive a fixture loss (subtracting the first loss from the second loss to obtain the fixture loss is a normal way of calibrating the probe).

Still referring to claim 12, although Frey does not specifically list out the known calibration process, Frey does however explicitly disclose that " the probe can be calibrated against a standard to allow for uniform electrical losses". A person of ordinary skill in the art would find it obvious at the time the invention was made to carry out the calibration process of measuring a first and a second loss with and without the RF probe attached, and subtract the first loss from the second loss to derive a fixture loss, for the purpose of obtaining reliable and repeatable measurements of the microstrip circuit using the RF probe, as suggested by Frey (abstract; col. 3, lines 9-15). In addition, Frey does not specifically disclose that the first coaxial cable, the adapter and

the second coaxial cable all having the same impedance. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Frey to have the three components having the same impedance for the purpose of matching the impedance, in order to improve performance of the components by eliminating reflections caused by mismatched impedance.

Referring to claim 13, Frey discloses contacting a device under test (microstrip circuit 28) with the radio frequency test probe (probe 10) in the test fixture.

Referring to claim 14, Frey discloses the method of claim 13. Frey does not specifically disclose that the device under test is a wireless component. A person of ordinary skill in the art would find it obvious to modify Frey to test a wireless component since the intended use of the claimed invention (i.e. for testing a wireless component) did not result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. The prior art structure as taught by Frey is capable of performing the intended use of testing a wireless component. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Referring to claim 15, Frey discloses the method of claim 12, wherein the adapter (connectors 22, 17 or 21) comprises:

a ground sleeve (11 or 14) having a first ground sleeve end adapter to contact a ground lead of a coaxial cable (15) and a second ground sleeve end adapted to contact a ground probe (12) of the test probe (10); and

a signal pin (16) positioned inside of and spaced apart from the ground sleeve(11 or 14), the signal pin having a first signal pin end adapted to contact a signal lead of a coaxial cable(15) and a second signal pin end adapted to contact a signal probe(13) of the test probe(10).

Allowable Subject Matter

2. Claims 16-17 are objected to as being dependent upon a rejected base claim (12), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scott et al. (U. S. Patent No. 5,748,002) discloses a RF probe for characterizing a system under test.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy He whose telephone number is (571) 272-2230. The examiner can normally be reached on 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2858

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AH
June 22, 2005.


ANJAN DEB
PRIMARY EXAMINER